



**STATE OF TENNESSEE  
DEPARTMENT OF HUMAN SERVICES**

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**BILL HASLAM**  
GOVERNOR

June 24, 2016

**RAQUEL HATTER, MSW, Ed.D.**  
COMMISSIONER

**Certified Mail - Return Receipt # 70151520000275135572**

Kenneth Pinkney, Executive Director  
Ivory Enterprise, Inc.  
8034 Laurel Tree Drive  
Memphis, TN 38125

**Certified Mail - Return Receipt # 70151520000275135589**

Dr. Howard Glenn, Board Chair  
Ivory Enterprise, Inc.  
1851 Glenview Avenue  
Memphis, TN 38114

**RE: Revised Notice of Termination and Disqualification of Child and Adult Care Food Program Agreement Number 03-47-30131-00-8**

Dear Mr. Pinkney:

This letter serves as notice that the Tennessee Department of Human Services ("Department") is terminating the Child and Adult Care Food Program ("CACFP") agreement with Ivory Enterprise, Inc. and Kenneth Pinkney, Executive Director and Dr. Howard Glenn, Board Chair (collectively, "Institution"). The grounds for this action are the Institution's failure to correct the serious deficiencies with the Institution's CACFP. The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the United States Department of Agriculture ("USDA") Food and Nutrition Service ("FNS") regulations at 7 C.F.R. § 226.6(c)(3)(iii)(E).

The action in this letter is based on the Institution's failure to provide an acceptable Corrective Action Plan that meets the requirements contained on Page 4 of Memo Code CACFP 14-2012 dated May 1, 2012. On April 5, 2016, the Department of Human Services ("Department") sent you a Notice of Serious Deficiency. The notice outlined the following: Ivory Enterprise, Inc. submitted false information on its application for participation in the CACFP as a Sponsor of the At-Risk Afterschool Program. Ivory Enterprise, Inc. does not have a valid 501(c)3. The

Kenneth Pinkney, Executive Director  
Ivory Enterprise, Inc.  
June 23, 2016

organization submitted tax-exempt documentation authorized for another organization to verify its non-profit status. Non-profit documentation is not transferrable. Since Ivory Enterprise, Inc. is a for-profit organization, it may only participate as an At-Risk CACFP Center if it meets certain criteria. Specifically, a for-profit child care center may receive reimbursement for At-Risk Afterschool Meals and Snacks if it is eligible to participate in CACFP through its traditional child care center or under a sponsor.

This failure resulted in the Department determining that the Institution and the Executive Director and Board Chair are seriously deficient in their operation of the CACFP.

The responsible individual was asked to complete acceptable corrective action. However, the Institution and responsible individuals failed to complete an adequate Corrective Action Plan (CAP). Accordingly, the Department determined that the Institution and the Executive Director and Board Chair have failed to fully and permanently correct the serious deficiency cited in the Serious Deficiency Notice.

As a result of the Institution's failure to submit an adequate Corrective Action Plan, a Notice of Proposed Termination and Disqualification was issued May 23, 2016. The Institution appealed but did not prevail. As a result, the Institution's CACFP Provider Agreement is formally terminated as of the date of this letter and Ivory Enterprise, Inc. and Kenneth Pinkney, Executive Director and Dr. Howard Glenn, Board Chair are disqualified from future CACFP participation as required by the CACFP regulations at 7 C.F.R. § 226.6 (c)(3)(iii)(E).

Institutions and individuals remain on the NDL until USDA's Food and Nutrition Service, in consultation with the Department, determines that the serious deficiencies have been corrected, or until seven years after their disqualification. However, if any debt relating to the serious deficiencies has not been repaid, they will remain on the NDL until the debt and any accrued interest is repaid. For information about applied interest rates please visit the following website:

[http://www.fiscal.treasury.gov/fsreports/rpt/cvfr/historical\\_rates.htm](http://www.fiscal.treasury.gov/fsreports/rpt/cvfr/historical_rates.htm)

The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the CACFP regulations at 7 C.F.R. § 226.6(c)(3)(iii)(C).

If you have any questions, please feel free to contact Allette Vayda at (615) 313-3769.

Sincerely,

A handwritten signature in black ink that reads "Raquel Hatter" followed by a stylized flourish.

Raquel Hatter, MSW, Ed.D.  
Commissioner  
AV/ba